

ATTENTION ATTENTION ATTENTION

Method of Refund:

*withdrawn
from issue*

- ACH/EFT
- Credit Card
- Deposit Account # 50-3001
- Treasury Check

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Patent/TM/App/Serial # 09 902,635

Program Area Publishing

Date Processed 10 31 2005

ATTENTION ATTENTION ATTENTION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): FORRESTER, Timothy D.	Group Art Unit: 2684
Application No.: 09/902,035	Examiner: TRINH, Tan H.
Filed: July 10, 2001	Conf. No.: 7784
Title: SYSTEM AND METHOD FOR RECEIVING AND TRANSMITTING INFORMATION IN A MULTIPATH ENVIRONMENT	Notice of Allowance: June 9, 2005 Withdrawn: July 27, 2005

REQUEST FOR REFUND OF ISSUE FEE AND PUBLICATION FEE PAYMENT

Mail Stop 16
Director of USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Applicant hereby requests a refund of the Issue Fee payment in fees in the above-referenced application under 37 C.F.R. §1.26. The Issue Fee payment was paid by on July 8, 2005. The above-identified application was withdrawn from issue on July 27, 2005 after payment of the issue fee.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail on September 20, 2005 in an envelope addressed to: Mail Stop 16, Director of USPTO, P.O. Box 1450, Alexandria, VA 22313-1450.

Lynn Morkunas

Printed Name of Person Mailing Paper and/or Fee Adjustment date: 11/08/2005 RCLE 10NS
Gregory York 00000049 099901400.00
00000049 WH5FAW2 00000049 099901400.00
01 FC1501 - 400.00
Signature

Signature

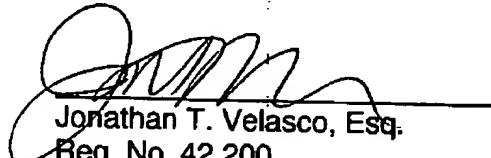
Enclosed as Exhibit A is a copy of the Notice of Withdrawal From Issue Under 37 C.F.R. §1.313(b).

Enclosed as Exhibit B is a copy of our Transmittal of Issue Fee, Publication Fee and Formal Drawings, Credit Card Payment Form in the amount of \$1700.00, the PTOL-85 PART B- Fee(s) Transmittal and returned postcard submitted in conjunction with the paper filed on July 8, 2005. Accordingly, applicant respectfully requests a refund in the amount of \$1700.00 credited to the applicant's deposit account number: 50-3001, or alternatively, to the credit card account which was charged at the time the overpayment was made.

Please address any questions or comments to the undersigned.

Respectfully Submitted;

Dated: Sep 20, 2005



Jonathan T. Velasco, Esq.
Reg. No. 42,200

Jonathan T. Velasco, Esq.
Kyocera Wireless Corp.
Attn: Patent Department
P.O. Box 928289
San Diego, California 92192-8289
Tel: (858) 882-3501
Fax: (858) 882-2485

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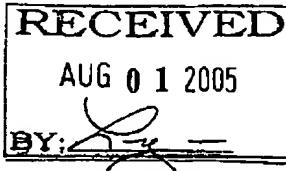
EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 P.O. Box 1450
 ALEXANDRIA, VA 22313-1450
www.uspto.gov

KYOCERA WIRELESS CORP.
 P.O. BOX 928289
 SAN DIEGO CA 92192-8289



MAIL

JUL 27 2005

DIRECTOR OFFICE
 TECHNOLOGY CENTER 2600

COPY

In Re Application:

FORRESTER, TIMOTHY DAVID
 Appl No. 09/902,035
 Filed: July 10, 2001
 Attorney Docket No. 42252-1009

NOTICE OF WITHDRAWAL
 FROM ISSUE
 UNDER 37 CFR 1.313(b)

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to Nay Maung at 571-272-7882.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Andrew Faile
 Acting Director TC 2600
 Communications

CC: Office of Publications

Patent Clerk, South Tower, Room 08C15
 Supervisory Correspondence Clerk, South Tower, Room 08C15

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EXHIBIT B

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Attorney Docket No.: UTL 00071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FORRESTER, Timothy D.	Group Art Unit: 2684
Application No.: 09/902,035	Examiner: TRINH, Tan H.
Filed: July 10, 2001	Notice of Allowance: June 9, 2005
Title: SYSTEM AND METHOD FOR RECEIVING AND TRANSMITTING INFORMATION IN A MULTIPATH ENVIRONMENT	

TRANSMITTAL OF ISSUE FEE, PUBLICATION FEE AND FORMAL DRAWINGS

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Enclosed please find the completed "Issue Fee Transmittal" form (PTOL-85) and a "Payment by Credit Card" form (PTO-2038) in the amount of \$1700.00 to cover the issue fee and publication fee for the above-identified application. Also enclosed herewith are three (3) sheets of formal drawings submitted in connection with the above-identified application.

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via First Class Mail on **July 8, 2005** in an envelope addressed to: **Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**.

Lynn Morkunas

Printed Name of Person Mailing Paper and/or Fee


Signature

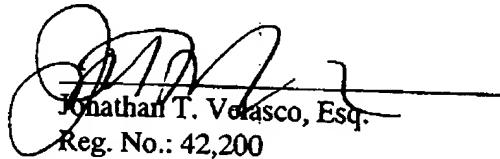
COPY

Attorney Docket No.: UTL 00071

An early issuance of the present application is respectfully requested.

Respectfully Submitted,

Dated: July 8, 2005



Jonathan T. Velasco, Esq.
Reg. No.: 42,200

Jonathan T. Velasco, Esq.
KYOCERA WIRELESS CORP.
P.O. Box 928289
San Diego, CA 92192-8289
Direct Phone: (858) 882-3501
Direct Fax: (858) 882-2485

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PTO-2038 (02-2003)

Approved for use through 02/28/2006, OMB 0651-0043

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United States Patent & Trademark Office
Credit Card Payment Form
Please Read Instructions before Completing this Form

Credit Card Information

Credit Card Type: Visa MasterCard American Express Discover

Credit Card Account #: 5405 9400 0449 9080

Credit Card Expiration Date: 08/07

Name as it Appears on Credit Card: D. Lynn Morkunas

Payment Amount: \$(US Dollars): 1700.00

Signature: 

Date: JULY 8, 2005

Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account.

Service Charge: There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).

Credit Card Billing Address

Street Address 1: 10300 Campus Point Drive

Street Address 2:

City: San Diego

State: CA

Zip/Postal Code: 92121

Country: USA

Daytime Phone #: 858.882.2000

Fax #: 858.882.2485

Request and Payment Information

Description of Request and Payment Information:

Issue Fee and Publication Fee

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 09/902,035	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. UTL 00071		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

32968 7590 06/09/2005

KYOCERA WIRELESS CORP.
P.O. BOX 928289
SAN DIEGO, CA 92192-8289

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Lynn Morkunas	(Depositor's name)
<i>Lynn Morkunas</i>	
(Signature)	
July 8, 2005	
(Date)	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,035	07/10/2001	Timothy David Forrester	42252-1009	7784

TITLE OF INVENTION: SYSTEM AND METHOD FOR RECEIVING AND TRANSMITTING INFORMATION IN A MULTIPATH ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	09/09/2005
EXAMINER		ART UNIT	CLASS-SUBCLASS		
TRINH, TAN H		2684	455-306000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list:

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Kyocera Wireless Corp. San Diego, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are enclosed:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-3001 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date July 8, 2005

Typed or printed name

Jonathan T. Velasco, Esq.

Registration No. 42,200

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**ISSUE FEE,
PUBLICATION FEE, AND
FOMAL DRAWINGS**
in the
U.S. PATENT & TRADEMARK OFFICE

**SYSTEM AND METHOD FOR RECEIVING
AND TRANSMITTING INFORMATION IN
A MULTIPATH ENVIRONMENT**

- Transmittal of Issue Fee, Publication Fee, and Formal Drawings (2 pgs.)
- Credit Card Payment Form (1 pg.)
- Part B - Fee(s) Transmittal (in dup.)
- Formal Drawings (3 pgs.)
- Return Receipt Postcard

Applicant(s): FORRESTER, Timothy D.

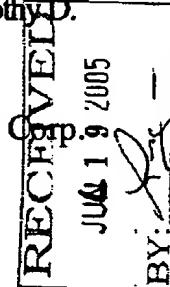
Filing Date: July 10, 2001

App. No.: 09/902,035

Assignee: Kyocera Wireless Corp.

Dkt. No.: UTL 00071

First Class Mailed: July 8, 2005

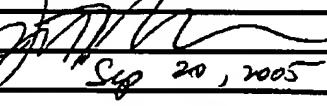


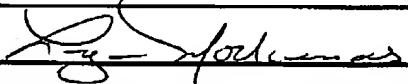
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/902,035
		Filing Date	July 10, 2005
		First Named Inventor	FORRESTER, Timothy D.
		Art Unit	2684
		Examiner Name	TRINH, Tan H.
Total Number of Pages in This Submission	11	Attorney Docket Number	UTL 00071

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 2px; display: inline-block;">Return Receipt Postcard</div> <div style="border: 1px solid black; padding: 2px; display: inline-block;">Remarks</div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jonathan T. Velasco, Esq. Reg. No.: 42,200 KYOCERA WIRELESS CORP.
Signature	
Date	Sept 20, 2005

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Lynn Morkunas		
Signature			Date
			SEPT. 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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